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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 VALENTINA MILMAN and  
9 ALEXANDER MILMAN,

10 Plaintiff,

11 v.

12 QUALITY LOAN SERVICE  
13 CORPORATION OF WASHINGTON;  
14 JP MORGAN CHASE BANK,  
15 NATIONAL ASSOCIATION; and  
16 DOES 1-20 Inclusive,

17 Defendant.

CASE NO. C11-1449RSM

ORDER OF DISMISSAL FOR LACK  
OF JURISDICTION

18 This matter is before the Court for consideration of plaintiff's response to the Order to  
19 Show Cause dated September 2, 2011. Dkt. # 4. The Court on that date ordered plaintiff to  
20 show cause why the complaint should not be dismissed for lack of jurisdiction. The Court noted  
21 that the complaint asserts only state law causes of action. The parties in this case are non-diverse  
22 as one defendant is a Washington resident. Therefore there is no basis for either diversity or  
23 federal question jurisdiction.

24 Plaintiffs have timely responded to the Order to Show Cause, but their response fails to  
demonstrate any basis for this Court's jurisdiction. The Court has already rejected plaintiffs'  
argument regarding "Article III common law" and plaintiffs have failed to cite to any case

1 authority recognizing such law in this context. Plaintiffs also assert that they “may” amend their  
2 complaint to add causes of action under the Truth in Lending Act, 16 U.S.C. § 1601 and/or the  
3 Real Estate Settlement Procedures Act, 12 U.S.C. § 2601, but such amendment would be futile,  
4 because it appears the statute of limitations has run. These causes of action arise from the loan  
5 documents. The loan in this case was processed in 2004. Complaint, Dkt. # 1, ¶ 7.

6 As the Court stated in the Order to Show Cause, it is a basic principle of federal  
7 jurisprudence that federal courts are courts of limited jurisdiction. “They possess only that  
8 power authorized by Constitution or a statute, which is not to be expanded by judicial decree. It  
9 is to be presumed that a cause lies outside this limited jurisdiction and the burden of establishing  
10 the contrary rests upon the party asserting jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of*  
11 *Am.*, 511 U.S. 375, 377 (1994); *see also Abrego Abrego v. The Dow Chem. Co.*, 443 F.3d 676,  
12 684 (9th Cir.2006). This Court has an obligation to raise the question of subject matter  
13 jurisdiction, *sua sponte*, where it appears to be lacking *Snell v. Cleveland, Inc.*, 316 F.3d 822,  
14 824, 826 (9th Cir.2002).

15 Having raised the question through the Order to Show Cause, and having considered  
16 plaintiffs’ response, the Court finds that it lacks subject matter jurisdiction. Plaintiffs’ remedy, if  
17 any, lies in state court. This action is hereby DISMISSED for lack of jurisdiction.

18 Dated this 30<sup>th</sup> day of September 2011.

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22 RICARDO S. MARTINEZ  
23 UNITED STATES DISTRICT JUDGE  
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